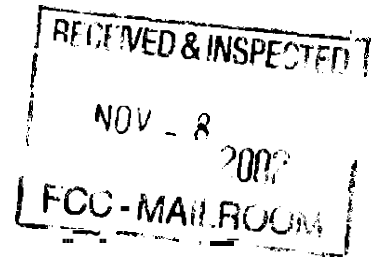


Before the  
Federal Communications Commission  
Washington, DC 20554



In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
City School District of New Rochelle	)	File No. SLD-232297
New Rochelle, New York	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21✓
National Exchange Carrier Association, Inc.	)	

### ORDER

Adopted: November 6, 2002

Released: November 7, 2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Before the Telecommunications Access Policy Division is a Request for Review filed by the City School District of New Rochelle (**New Rochelle**), New Rochelle, New **York**.<sup>1</sup> New Rochelle seeks review of a funding decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (**Administrator**).<sup>2</sup> For the reasons set forth below, we deny the Request for Review.

2. In its Funding Commitment Decision Letter, SLD denied New Rochelle's Funding Year 2001 funding request because the funding request cited **an** FCC Form 470 that had not been certified.<sup>3</sup> New Rochelle appealed to SLD, asserting that it had submitted the

<sup>1</sup> Letter from **Liz** D'Amico, City School District of New Rochelle, to Federal Communications Commission, tiled February 28, 2002 (Request for Review).

<sup>2</sup> See Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>3</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Liz D'Amico, New Rochelle City School District, dated July 23, 2001 (Funding Commitment Decision Letter). In prior years, Funding Year 2001 was referred to as Funding Year 4. Funding years are now described by the year in which the funding period starts. Thus the funding period which begins on July 1, 2001 and ends on June 30, 2002, previously referred to as Funding Year 4, is now called Funding Year 2001. The funding period that begins on July 1, 2002 and ends on June 30, 2003, is now known as Funding Year 2002, and so on.

certification, but did not offer supporting evidence.<sup>4</sup> SLD denied the appeal, stating that its records indicate that the certification was not submitted prior to the close of the filing window, and that, in the absence of any evidence from the applicant, SLD had to rely on its own records.<sup>5</sup> New Rochelle then submitted the pending Request for Review, again asserting that it submitted the FCC Form 470 certification.<sup>6</sup> Although New Rochelle did not submit any evidence, it asserted that it had a history of successful filings that should support its assertion.<sup>7</sup>

3. The record demonstrates that New Rochelle never submitted a certification for FCC Form 470 No. 830120000302167, on which its funding request relied.’ “It is well established law that the absence of an official record of an event is evidence of the nonoccurrence of the event.” Further, New Rochelle offers no contrary evidence in support of its assertion that the certification was mailed. The mere fact that it submitted certifications in previous years does not support the conclusion that it did so in Funding Year 2001. We therefore deny the Request for Review and affirm SLD for substantially the reasons stated in the Administrator’s Decision on Appeal.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by the City School District of New Rochelle, New Rochelle, New York on February 28, 2002 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



**Mark G. Seifert**

Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

<sup>4</sup> Letter from **Liz D’Amico**, New Rochelle City School District, to Schools and Libraries Division, Universal Service Administrative Company, filed July 30, 2001 (SLD Appeal).

<sup>5</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Liz D’Amico, New Rochelle City School District, dated February 5, 2002 (Administrator’s Decision on Appeal).

<sup>6</sup> Request for Review at 1.

<sup>7</sup> *Id.*

<sup>8</sup> See FCC Form 470, New Rochelle City School District, filed October 30, 2000; FCC Form 471, New Rochelle City School District, filed January 16, 2001.

<sup>9</sup> *In re Application of Herbert L. Rippe*, 44 FCC Rcd 91 (Rev Bd. 1973).